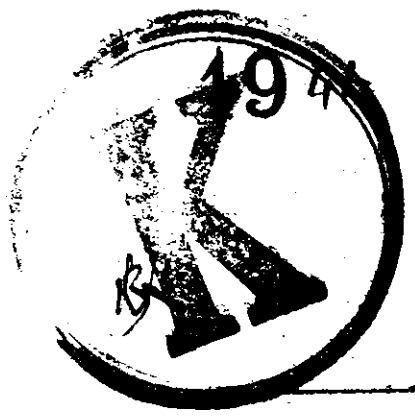

File No. Village Panch. II
44

The Legal Department -
B **BRANCH**

Subject:— Rules and Notifications
under the Bombay Village
Panchayats Act 1933

E
Page 2
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File No. Village Panch II /44

Gen. 194 c.

204-B

Office of the R.I.S.

A draft notification embodying therevised draft rules is sent herewith.

2. From the Commissioner, N.D. 's letter at p. 39 ante ist will be noticed that it is proposed to levy the drainage tax with a view to meeting the actual cost of maintaining the dr drain in questénn. "Tax" as defined in section 3(14) of the Bom Village Panchayats Act, 1933, means a tax, cess, rate or other impost leviable under the Act. In view of this wide definition and gaving regarding to the language of section 89(2)of word tax as used in clause (vii) of section 89(2) include "fee" The proposed levy is hence a fee within entries 19 and 54 in List II of the Seventh Schedule to the Government of India Act, 1935. The rules have been revised accoringly

3. The definitions have been arranged in alphabetical ord order. A new difinition of 'panchayat' has been inserted to indicate that the feferance to panchayat is to the panchayat that may be constituted for the station road area of Malalpo the name of the village may accordingly be inserted in the clause, after, it is constituted, as wess as in the preamble to the rule.

4. Attention is invited to the Bombay Village Panchayats Taxes and Fees Rules, 1944, published at page 221 of the Bomba Government Gazette Part IV.C dated 9-3-1944. Rule 2 provides that every panchayat beforedeciding to levy a tax or fee undd section 89(2) shall follow the procedure laid down in that rul The provisions are mandatory and will apply also to the levy of the proposed fee. Rules 4 and 8 of the rules in Part I. Rule 3 in the revised draft therefore provides that the rules in Part I , General, of the Bombay Village Panchaya taxes and Fees Rules, 1944, shall so far as may be apply to the levy of the fee etc.

5. Rule 4 in revised draft corresponds to rule 3 in the G.D. draft. The Schedule has been dispensed with and the rate has been specified in the rule itself.

6. Rules 5 in the revised draft has been revised on the lines of rule 26 of the Bombay village Panchayats Taxes and Fees Rules, 1944.

7. In rule 6 of the G.D. draft, there is no provision for issuing a bill of demand, if the tax comes into force on a date other than 1st April. Revised rule 7 makes the necessary provision.

8. Paras. 5 and 6 of G.D. note at p. 48.- A rule under section 108(1)(n) is not quite necessary in this case.

9. A revised draft notification in place of draft notification at p. 45 is sent herewith.

Id/-

P.N.M.

15/3/44.

Remembrancer of Legal Affairs.

U.R.to G.D. No. 1976 , dated the 15th Maexh 1944.

VVK. 16/7/56/

5C.

NOTIFICATION.

No.....-Whereas by Government Order, General Department No. 5026/33, dated the 4th September 1942, as amended by Government Order , General Department No. 5926/33 , dated the 28th August 1943 , the District Local Board, Surat (hereafter referred to as the "said Board") has been superseded with effect from the 5th day of September 1942, for a period upto the 30th June 1944 and a Committee of Management consisting of the persons specified in the latter Order has been appointed to exercise and perform all the powers and duties of the said Board during the period of supersession,

Now, therefore , in exercise of the powers conferred by subsection (2) of section 112 of the Bombay Village Panchayats Act, 1933 (Bom. VI of 1933) , the Government of Bombay is hereby pleased to authorize the said Committee of Management to exercise in respect of the village panchayat of ..... all the powers conferred on the said Board under the provisions of the said Act.

By order of the Governor of Bombay.

Secretary to Government.

VVX. 1687/66/

5C.